App. F. IX-4

Previous References

1936.
(Issue)

File No. 186-36

Serial Nos. 1-3

PRESERVED

Letter References.

13

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for March 1937

SUBJECT.

Empowering the District Magistrate Shimoga to discharge certain classes of Political prisoners under sections 473 & 474 Cr.P.C.
(Sanga malleshwara accused in Shimoga Dacoity Case 7/36-37)

Govt Proc 3-6 & 10-3-37

Vide Political Prisoners Regd Shimoga

WD 0418—GPB—22,500—29-8-36

Sanctioned

Serial No.

From

The Sessions Judge
Shimoga Dn.

Letter no 2587/758, dated 12-2-37 forwards a copy of the order passed by him in Shimoga Sessions Case No 7/36-37 under Sec. 466 Cr.P.C. passed and a Report stating that the accused being of Unsound mind has been ordered to be detained in the Dist Lock-up of Shimoga.

1) It is reported that one Samanallappa, accused in Shimoga Sessions Case no 7/36-37 was incapable of making his defence due to unsoundness of mind, and that he has been detained in safe custody in the Dist Lock-up of Shimoga.

2) Under such circumstances, Sec 471 (d 67) Cr.P.C. provides that the ~~officer~~ Govt may empower the officer in charge of the jail to discharge the functions of the Inspector General of Prisons.

Submitted

3) As provided in section 466 (2) Cr. Pr. Code, the Sessions Judge has made a re

Sheet.

WD 0417--GPB—30,000—8-9-36

Law File No. of 1936. | General and Revenue Secretariat

Serial No.

to Government about the action taken by him in respect of the accused in S.S.C. 7/36-37, whom he found to be of unsound mind and incapable of making his defence.

4) He also suggests that the Govt may be pleased to empower under Section 471 clause(2), the Officer in charge of the District Lock up at Shimoga, to discharge the functions of the Inspector General of prisons under Sections 473 and 474 Cr Procedure. The proposal has no doubt this advantage, that it will not be necessary for the D.G. of Prisons will not have to go to Shimoga to certify that the person detained in the lock up is capable of making his defence; and such a certificate to that effect may be made by the Officer in charge of the jail. But in the interests of the accused lunatic, I think it would be more satisfactory and desirable that he should be examined by the Inspector General of prisons, and certified that he is capable of making his defence.

BKR
22.2.37

(yes. Secy)

5) I doubt if it is necessary

GENERAL SE
22 FEB. 1
1937

Serial No.

for the G. G. of Prisons to go to Shimoga & give this certificate. The provision in the Code is intended to obviate this. Who is the Officer in charge of the Lock-up at Shimoga? The Dy. S. believe.

Sd
26/2/37

6 For perusal. The Dy. C. who is in charge of the Jail (the District Lockup in this case) may be empowered certify as proposed by the Sessions Judge

Sd
26/2/37
BKR
26.2.37

OFFICE OF THE FIRST MEMBER
26 FEB. 1937

Hon. Member)

7 27/2

Sd
1/3
Please put up a draft G.O.
BKR
2.3.37

Submit with a dft. for approval.

Mayor approved
BKR
9.3.37

9 MAR 1937
320

Sd
8/3

Gen. Secy)

Appd. by me
Sd
9/3

BKR
10.3.37

Issued in G.O. No. P. 5703, 9/10.

WD 0417—GPB—80,000—8-9-36

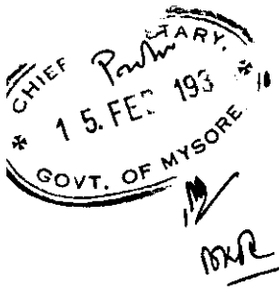
From

The Sessions Judge, Law 186-36-1

Shimoga Division, S h i m o g a.

To

The Chief Secretary
to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.



No. Ln. 2587/758 Enc 1

Dated 12th February 1937.
13

Sir,

In forwarding herewith a copy of the order passed by me in Shimoga Sessions Case No.7 of 36-37, I have the honour to report under Section 466 cl (2) Criminal Procedure Code as follows :-

One Sannamallappa, accused in Shimoga Sessions Case No. 7 of 36-37, who had been committed to take his trial before this Court on charges of murder punishable under Section 302 I.P.C. by the Second Magistrate, Shimoga in C.C.No.447 of 36-37 on the file of his Court was, on the date of his trial, tried by me under Section 465 Criminal Procedure Code in regard to his sanity, and as he has been found to be of unsound mind and incapable of making his defence, he has been ordered to be detained in safe custody in the District Lock-up of Shimoga under Section 466 Cl (2), Criminal Procedure Code. The further proceedings in the Sessions case have been postponed in accordance with the provisions contained in Sections 465 Cl (1) of the Criminal Procedure Code.

If there be no objection, the Government may be pleased to empower, under Section 471 Cl (2)

Criminal Procedure Code, the officer in charge of the District Lock-up at Shimoga to discharge the functions of the Inspector General of Prisons. under Sections 473 and 474, Criminal Procedure Code.

I have the honour to be,

Sir,

Your most obedient servant,

SESSIONS JUDGE.

IN THE COURT OF SESSIONS, SHIMOGA DIVISION.

Dated, Shimoga, the 12th day of February 1937.

Present :- C. Subrahmanya Aiyar, Esq., B.A., B.I
SESSIONS JUDGE.

Shimoga Sessions Case No. 7 of 1936-37.

Prosecutor :-		Accused :-
Government.	VS.	Sannamallappa.

The Special Second Magistrate, Shimoga, committed the accused Sannamallappa on 1-2-37 in C.C.No.447/36-37 on the file of his Court, for tr before this Court on two charges of murder punish under section 302 I.P.C. The case was posted for trial on 12-2-37. When the case was called, the accu was produced in custody, the Public Prosecutor appeared for Government and Mr. H.K.N. Acharya, Standing Counsel, appeared for the accused. The charge was read over and explained to the accused and he pleaded not guilty. The assessors were chosen. As the accused appeared to be of unsound mind, the court proceeded to try the fact of the unsoundness of mind of the accused under Section 465 Criminal Procedure Code. The Assistant Surgeon of the Mac Gann Hospital, Shimoga who had been summoned for the purpose in the absence of the District Medical Officer, Shimoga was examined and the court passed the following order.

O R D E R.

The behaviour of the accused in the dock is queer. He walks backwards and forwards and lies down. He is not answering questions put to him and states that his head is not all right and that his head is wandering

The question of the state of the mind of the accused and his capacity to make his defence will be tried first.

The Assistant Surgeon of the Mac. Ganna Hospita (Dr. Rangaswamy) who is at present in charge of the District Lock-up at Shimoga, is examined as a witness. He states that he has seen him for the last 4 or 5 days, but has not made a thorough examination of his mental condition.

After some hesitation accused is able to identify a few of the witnesses in the case who were shown to him. He is not able to state or understand what this place (court) is or what is being done.

The assessors are of opinion that the accused is of doubtful sanity and is not fully able to understan the proceedings. From his answers to questions put to him and his general behaviour, I find that the accused is not of sound mind at present and is consequently incapable of making his defence.

The further proceedings are postponed under Section 465 (1) Criminal Procedure Code.

This is not a case in which bail may be taken.

It

It is ordered under Section 466 (2) Criminal Procedure Code that the accused be detained in safe custody in the District Lock-up at Shimoga. This will be reported to the Government.

The assessors are discharged.

Sd/- C. Subrahmanya Aiyar,

12-1-1937.

" COPY "

SESSIONS JUDGE.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No. M. 2587/758, dated 16th February 1937, from the Sessions Judge, Shimoga Division, forwarding copy of order passed by him in Shimoga Sessions Case No. 7/36-37 ordering the detention of Annamallappa, accused in the above case in the custody in the District Lock-up of Shimoga under section 460 Cl.(2) Cr. P.C., and recommending that the officer in charge of the District Lock-up at Shimoga may be empowered under section 471 Cl.(2) to discharge the functions of the Inspector General of Prisons under sections 473 and 474 Cr. P.C.

Order No. PS 403-6 Law 186-36-2

Bangalore, dated the 10th March 1937.

Under section 471 (2) Cr.P.Code, Government are pleased to empower the District Medical Officer, Shimoga, to discharge the functions of the Inspector General of Prisons under sections 473 and 474 Cr.P.C.

B.K. Ramakrishnaiya

for General Secretary to Government.

To

The Inspector General of Prisons in Mysore.
" Registrar, High Court of Mysore.
" Sessions Judge, Shimoga Division.
" District Magistrate, Shimoga District.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

Section Law

File No. 18 [illegible]-37

Serial No. 2

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 10-3-193).

Signed by Sd. BKR

Read— Letter no M 25-87/758, dated 12-2-37 from the Sessions judge, Shimoga Dn, forwarding a copy of order passed by him in Shimoga Sessions Case No 7/36-37 ordering the ~~Order thereon—No.~~ detention of Samanallappa, accused in the above Case in Safe Custody in the Dist Lock-up of Shimoga under Sec: 466-cl-(b) Cr. P. C, and Recommending that the

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

ficer in charge of the
ist Lock-up at Shimoga
nay be empowered under
ec: 471 cl (2) to discharge
e functions of the J.G. of
risons under Sections 473
nd 474 Cr.P.C.

Order. P5403-6.

Under Sech. 471 (2) Cr. Pr. code,
Govt are pleased to
~~under Sec. 471 (2) Cr.P.C.~~
mpower the Dist. Medical
ficer, Shimoga, to discharge
e functions of the J.G. of Prisons
nder Sections 473 & 474 Cr.P.C

WA 2/3/57

PCKK 9.3.57. Gen & Secy:

List of Enclosure

To

(1) The J.G. of Prisons.
(2) The ~~D.M.O., Shimoga~~ Reg^r, High Court.
(3) The Sessions Judge, Shimoga.
4) The D^r mayth, Shimoga :—

Copied by

Examined by

3572/37

OFFICE OF THE
DISTRICT AND SESSIONS JU

ENCLS.

Shimoga, 10th December
11th.

Law 186-36.-

FROM

C. SUBRAHMANYA AIYAR, ESQ., B.A., B.L.,
District and Sessions Judge,
SHIMOGA.

TO SECRETARY.
13 DEC. 1937

The General Secretary to the Government
of His Highness the Maharaja of Mysore,
B A N G A L O R E.

SIR,

4757/36
P.

In continuation of my letter No.M.2587/758 dated 12/13th February 1937 addressed to the Chief Secretary to the Government regarding one Sanna Mallappa accused in Shimoga Sessions Case No.7 of 36-37 and with reference to Government Order No.P.5403-6/Law 186.36-2 dated 10th March 1937 empowering under Section 472, Criminal Procedure Code the District Medical Officer, Shimoga to discharge the functions of Inspector General of Prisons under Sections 473 and 474 of the Code of Criminal Procedure, with reference to that person, I have the honour to report that in pursuance of the letter No.988 dated 23-9-1937 of the District Medical Officer, Shimoga stating that the said Sanna Mallappa continues to be in a morbid state of mind, that there are no signs of improvement and that he is of opinion that the said Sanna Mallappa is not likely to recover for a long time to come and soliciting permission to send him

to the Mental Hospital, Bangalore for treatment, a Reception Order has been made and communicated to the District Medical Officer, Shimoga for making necessary arrangements to forward the lunatic to the Mental Hospital, Bangalore.

I have the honour to be,

Sir,

Your most obedient servant,

SESSIONS JUDGE,
Shimoga Division.

SBS.

Submitted for perusal.

GENERAL SECRETARIAT
17-DEC. 1937
3502